

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOHN ADAMS, et al.,

CASE NO. CV-F-02-5741 LJO DLB

Plaintiffs,

ORDER DENYING MOTION FOR FURTHER
DISCOVERY

vs.

PAUL SPEERS, et al.,

Defendants.

On September 28, 2007, plaintiffs John and Cathy Adams (“collectively “Plaintiffs”) filed the present motion for discovery of documents regarding a prior “act” by defendant California Highway Patrol Officer Paul Speers (“Officer Speers”). Officer Spears filed an opposition on October 23, 2007 and plaintiffs filed a reply on November 2, 2007. The matter was deemed suitable for decision without oral argument and taken under submission.

The documents requested are BATES stamped CHP 1395 - 1509 and CHP 1543 - 1705 and describe a July 28, 2000 shooting of or toward a suspect in a high speed pursuit by defendant Speers. On April 16, 2003, the Court denied without prejudice, plaintiffs’ motion to compel production of these documents as privileged. The Court’s order was without prejudice to renew their motion after review of the public record. Plaintiffs renewed their motion for disclosure of the documents in November 2004 based on statements and admissions made by witnesses in depositions. Plaintiffs requested this Court to revisit the April 16 order to address plaintiffs’ claims regarding Officer Speers’ insertion into ongoing pursuits and firearm discharge. To that end, the Court conducted a November 22, 2004 telephone

1 conference with Plaintiffs' counsel Randal W. Hooper and Officer Speers' counsel Scott H. Wyckoff.
2 On November 22, 2004, this Court received and reviewed again the investigation documents and
3 personnel file.¹

4 Based on the Court's further review and the oral arguments of counsel, on November 22, 2004,
5 the Court reaffirmed that the investigation documents and personnel file, except portions which the April
6 16 order required produced, were not subject to discovery under F.R.Civ.P. 26(b)(1).

7 In the present motion, Plaintiffs again request an order unsealing and producing the same
8 documents. Plaintiffs provide no new argument, facts or law in support of their request to reconsider
9 the prior orders of the Court finding that the documents twice reviewed by the Court were not subject
10 to discovery. Plaintiffs' motion is therefore DENIED.

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12 IT IS SO ORDERED.

13 Dated: March 6, 2008

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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¹ This Court telephoned Mr. Wyckoff's office to request a missing page from the investigation documents, and the document was provided.